From: California Law360
To: Gorwood, Kathy
Subject: Apple Unwinds Cert. Ruling In Power Button Defect Row
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Tuesday, January 30, 2018

TOP NEWS

Apple Unwinds Cert. Ruling In Power Button Defect Row

Apple Inc. won its bid to undo certification of a class of consumers suing over allegedly defective iPhone power buttons Monday when a California appeals court ruled that Golden State courts must apply a stricter evidence standard even in the early stages of a case. Read more »

9th Circ. To Rethink Block Of San Francisco Soda Law

The Ninth Circuit on Monday agreed to rethink its decision to block a San Francisco ordinance requiring a health warning for sugary drinks, which it had barred on the grounds that it likely violated the First Amendment by requiring a large black box dominating drink ads. Read more »

75-Year-Old Class Ruling Still 'Good Law,' Calif. Justices Say

The California Supreme Court ruled Monday against a Restoration Hardware Inc. shopper seeking to challenge part of a $36 million consumer privacy judgment, saying a 75-year-old decision that holds a class member must intervene at the trial stage to have appellate standing "remains good law." Read more »

Electric Car Co. Claims Ex-Execs Stole Trade Secrets, Staff

Electric vehicle startup Faraday & Future sued rival Evelozcity Inc. for trade secret misappropriation in California federal court Monday, claiming its former CFO solicited employees to leave and join his new company, encouraging them to copy and steal Faraday's intellectual property on their way out. Read more »

ABM Janitor Classes Win Cert. Over Cellphone Use For Work

A California federal judge certified three classes of janitors on Friday in a suit accusing the facility management company ABM Industries Inc. of forcing them to use their personal cellphones for work-related purposes without reimbursement, finding that the single class that the janitors originally proposed is too broad. Read more »

Analysis

15 Minutes With Lyft's General Counsel

Kristin Sverchek joined the transportation network company Lyft as its first legal hire and general counsel in November 2012, nearly six months after its two co-founders launched the platform. She spoke with Law360 about how she responds now to friends who doubted her decision to join a company that was part of an unfamiliar industry and how that industry continues to grow. Read more »

ENERGY & ENVIRONMENTAL

Calif. Treasurer Leans On Pebble Mine Investor To Back Out

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Edelson PC
Eisner Jaffe
Entwistle & Cappucci
Feinberg Jackson
Freshfields
Gibson Dunn
Gomez Trial Attorneys
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California state Treasurer John Chiang on Monday told Pebble Mine investor First Quantum Minerals Ltd. it should back out of the massive gold and copper project proposed for Alaska's Bristol Bay, citing the environmental, economic and cultural threats. Read more »

Developer, Gov't Urge 9th Circ. To Nix Wind Farm Suit

A unit of Avangrid Renewables LLC, the Ewiaapaayp band of Kuweyaay Indians and the federal government told the Ninth Circuit on Friday that a lower court was right when it tossed claims that the government didn't follow environmental law in approving a lease for a wind farm. Read more »

INSURANCE

Insurers Say Poisoned Bees Are Excluded From Farm's Policy

Unigard Insurance Co. and OneBeacon Insurance Co. told a California federal court on Friday that they have no duty to defend a commercial farm that killed off bees it had rented for pollination by applying pesticides near their hives for years, calling it "property damage" and thus excluded. Read more »

PRIVACY & CONSUMER PROTECTION

9th Circ. Affirms Apple Win In Missing Text Messages Row

The Ninth Circuit on Monday upheld a lower court's finding that Apple Inc. did not violate wiretapping laws by failing to deliver iMessages to those who stopped using Apple phones, ruling the tech giant could not have intercepted messages its servers never sent. Read more »

Facebook Fights Class Cert. Bids In Biometric Privacy Row

Facebook fired back Friday at bids to certify a pair of related class actions accusing it of unlawfully storing facial scans, telling a California federal judge that the plaintiffs have failed to show any common harm and that the requests are nothing more than last-ditch attempts to save their claims. Read more »

INTELLECTUAL PROPERTY

9th Circ. Reverses Whole Foods Win In 'EatRight' TM Row

A Ninth Circuit panel on Monday reversed a lower court's ruling in favor of Whole Foods in a suit brought by Eat Right Foods Ltd. over use of the "EatRight" trademark, finding the case was unfairly tossed due to Eat Right's delay in bringing a complaint. Read more »

Universal, Amazon Near TickBox Injunction, But Extent Hazy

A California federal judge on Monday said Universal, Amazon and other content-creating giants are entitled to a certain level of preliminary injunctive relief in their suit accusing streaming device company TickBox LLC of infringing their copyrighted material, though he said he was reluctant to issue a ruling that "effectively puts TickBox out of business." Read more »

NCAA Sues Over 'Markdown Madness' As Tourney Nears

With the yearly "March Madness" tournament six weeks away, the National Collegiate Athletic Association sued a Southern California car dealership on Friday for using "Markdown Madness" in advertisements. Read more »

Nestlé Says Crest Must Pick Up Discovery Pace In IP Fight

Nestlé USA Inc. urged a California federal court Monday to order Crest Foods Inc. to pick up its pace in producing documents in Nestlé's trademark infringement suit against the food company, arguing both companies risk missing their court-ordered discovery deadline because Crest has stalled production by quibbling over search terms. Read more »

MEDIA & ENTERTAINMENT

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Kessler Topaz
Kirkland & Ellis
Kramer Levin
Labaton Sucharow
Latham & Watkins
Locke Lord
Loeb & Loeb
Lowe Graham Jones
Mayer Brown
Mersereau Shannon
Meyer Glitzenstein
Morgan Lewis
Morrison & Foerster
Munger Tolles
O'Melveny & Myers
Ogletree Deakins
Pepper Hamilton
Phillips & Cohen LLP
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Willkie Farr

COMPANIES

ABM Industries Incorporated
Allergan PLC
American Beverage Association
American Cancer Society Inc.
American Heart Association
Apple Inc.
Association of Corporate Counsel
Bank of America Corporation
Cable News Network Inc.
Cantor Fitzgerald
ChangeLab Solutions
Citigroup Inc.
ConocoPhillips
Credit Suisse Group AG

Ex-Disney Chair Ovitz Settles Privacy Suit Over Celeb PI

Entertainment journalist Anita Busch has settled her suit claiming that former Walt Disney Chairman Michael Ovitz hired celebrity sleuth Anthony Pellicano to investigate and threaten her, Busch's attorney told Law360 on Monday. Read more »

EMPLOYMENT

Trade Groups Back McDonald's In Pay Suit At 9th Circ.

McDonald's received support on Friday in its bid to keep the Ninth Circuit from reviving a proposed class action accusing eight franchise restaurants in the San Francisco Bay Area of violating wage laws, with two trade associations saying that making franchisers liable for a franchisee's wage-and-hour violations would likely have negative effects. Read more »

Picket Ban Flouted Free Speech Rights, 9th Circ. Says

The Ninth Circuit ruled Friday that an Oregon school district illegally stifled pro-union messaging by banning picketing and signage on all school property ahead of a teachers strike, affirming a lower court's conclusion that the policies led to both union members and students having their free speech rights violated. Read more »

SECURITIES & WHITE COLLAR

Investors Seek Early OK For $290M Valeant, Pershing Deals

Investors who sued Pershing Square Capital Management LP and Valeant Pharmaceuticals over their alleged insider trading scheme ahead of Valeant's failed $55 billion effort to acquire Allergan Inc. filed papers Friday to begin the approval process for $290 million in settlements. Read more »

VW Says Texas Diesel Plaintiffs Can't Rush Service Of Docs

Volkswagen AG asked a California federal judge on Friday to deny a bid by 23 groups of car owners who sued the automaker in Texas over its "clean diesel" emissions scandal to skip the time-consuming process of notifying overseas defendants of lawsuits. Read more »

COMPETITION

Uber Says Calif. Codes Bar Cab Drivers' Low Pricing Suits

Uber urged a San Francisco judge Monday to toss several suits alleging its low pricing seeks to illegally squeeze taxi companies out of the ride service industry, arguing Uber is exempt from state competition laws, because its rates fall under the jurisdiction of the California Public Utilities Commission. Read more »

GOVERNMENT CONTRACTS

UnitedHealth Nears Nixing FCA Claims, But DOJ Row Not Over

A California federal judge on Monday tentatively ruled to give the U.S. Department of Justice another shot at amending a whistleblower False Claims Act suit against UnitedHealth Group Inc. alleging Medicare Advantage fraud, although the insurer argued the claims should be tossed for good. Read more »

DEALS

RELX Pays £580M For Digital Risk Identification Biz

Information and analytics firm RELX Group said Monday it inked a cash deal to buy all the issued shares of security technology company ThreatMetrix for £580 million ($816 million), marking the firm's largest deal in a decade and its first after a buying and selling spree last year. Read more »

PRIVATE EQUITY

Ernst & Young
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Facebook
Faraday & Future Inc.
First Quantum Minerals
Goldman Sachs Group Inc.
Google Inc.
Guggenheim Partners LLC
Hawaiian Holdings Inc.
Hilton Worldwide Inc.
International Franchise Association
JPMorgan Chase & Co.
KeyCorp
LexisNexis Group
Los Angeles Times
Lyft Inc.
MasterCard Incorporated
McDonald's Corporation
Mizuho Securities Co. Ltd.
Morgan Stanley
Motion Picture Association of America
NBCUniversal Inc.
NFL Enterprises LLC
National Collegiate Athletic Association
National Education Association
Netflix Inc.
Northern Dynasty Minerals Ltd.
Paramount Pictures Corp.
Pershing Square Capital Management LP
Porsche
RBC Capital Markets
Reed Elsevier
Renaissance Capital
Restoration Hardware Holdings Inc
Stephens Inc.
Suntrust Banks Inc.
The Walt Disney Company
Twentieth Century Fox Film Corp.
UBS AG
Uber Technologies Inc.
UnitedHealth Group Inc.
Valeant Pharmaceuticals International
Volkswagen
Warner Bros.
Washington Post Co.
Wells Fargo & Co.
Whole Foods Market, Inc.

GOVERNMENT AGENCIES

Bureau of Indian Affairs

6 More Cos. Launch IPOs Totaling $1.4B As Pipeline Grows

Six companies — including energy services providers, an asset manager, a marketing analytics firm and a drugmaker developing a biosimilar of Botox — launched six initial public offerings on Monday that are estimated to raise about $1.4 billion, engaging the work of 11 law firms. Read more »

INTERNATIONAL ARBITRATION

Film Cos. Want OK Of $4.4M Award Against UAE Distributor

Two American film companies urged a California federal court Friday to confirm a $4.4 million international arbitration award issued against an Emirati company following a dispute over the rights to distribute a host of movies in the Middle East, arguing that the parties agreed to binding arbitration. Read more »

PEOPLE

Loeb & Loeb Scores Ex-Akin Gump Fiduciary Litigator

Loeb & Loeb LLP has fortified its commercial litigation platform by hiring Akin Gump Strauss Hauer & Feld LLP's former fiduciary litigation practice co-chair, who has expertise in handling high-stakes disputes over breach of fiduciary duty. Read more »

EXPERT ANALYSIS

From Law Firm To Newsroom: An Interview With Bob Woodruff

Lawyers who have left the traditional practice for perceived greener pastures are many. But the circumstances surrounding broadcast journalist Bob Woodruff's departure are unique. Like none I've ever heard, says Randy Maniloff of White and Williams LLP. Read more »

Series

Judging A Book: Kendall Reviews 'On The Jury Trial'

As someone who spent half her days last year on the bench presiding over trials, I often find the alarmist calls to revamp the jury trial system a tad puzzling — why is making trial lawyers better rarely discussed? Then along comes a refreshing little manual called "On the Jury Trial: Principles and Practices for Effective Advocacy," by Thomas Melsheimer and Judge Craig Smith, says U.S. District Judge Virginia Kendall of the Northern District of Illinois. Read more »

LEGAL INDUSTRY

The 2 Biggest Worries Keeping GCs Up At Night

Data security and regulatory shifts are the two biggest concerns of corporate counsel, according to a new survey of chief legal officers. Here, we look at what that means for in-house lawyers in 2018. Read more »

Analysis

3 Misconceptions GCs Hold About International Arbitration

Advising general counsel to include an international arbitration clause in an important contract can get dicey if the latest gossip about an arbitration gone wrong or a lack of familiarity with the process has caused certain misconceptions to take root. Here, Law360 lays out three common misconceptions GCs may hold about this dispute resolution method. Read more »

Trump Judge Pick Advances Despite Home-State Opposition

The U.S. Senate appeared to buck a decades-old tradition Monday by slating President Donald Trump's pick for an Eighth Circuit vacancy for a final vote despite opposition from a senator in the nominee's home state. Read more »

Analysis

App Could Give Workers Safe Space To Report Harassment

California Environmental Protection Agency
California Public Employees' Retirement System
California Public Utilities Commission
Delaware Department of State
Federal Bureau of Investigation
Fish and Wildlife Service
Food and Drug Administration
U.S. Army
U.S. Department of Justice
U.S. Department of Labor
U.S. Environmental Protection Agency
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
United States Court of Appeals for the Ninth Circuit

A longtime employment defense lawyer and her business partner are hoping to change the way employees and employers communicate via a third-party cellphone app, which launched Monday and allows workers to confidentially report sexual harassment or other perceived problems in the workplace to management. Read more »

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McCurdy & Fuller LLP
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